IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27701 of 2007(W)

PETITIONER:

ANEESH,S/O. AHAMMEDKUTTY,
KADOORAN HOUSE,PANNIPPARA AMSOM,
EDAVANNA DESOM,ERNAD TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. THE TAHSILDAR,
OFFICE OF THE TAHSILDAR, ERNAD MANJERI,
MALAPPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

3. THE SUB INSEPCTOR OF POLICE,
MANJERI POLICE STATION.

4. THE EDAVANNA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

5. STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT
SECRETARIAT, TRIVANDRUM.

R1 TO R3 & R5 BY ADV. SRI. K.J. MOHAMMED ANZAR, GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27701 OF 2007

Dated this the 20th day of September, 2007

JUDGMENT

The Government Pleader, Mr.Mohammed Anzar, submits on instructions that the vehicle in question is getting involved in similar occurrence for the second time and adjudication proceedings are now pending before the District Collector in respect of the earlier case. Mr.Sunny Mathew counsel for the petitioner submits that as far as the present case is concerned, the same is a genuine instance of the petitioner, borrowing sand from somebody else who was having a valid pass.

Considering the rival submissions, I am of the view that it is for the petitioner to appraise the adjudicating authority, the district Collector of all the true circumstances. I dispose of the Writ Petition directing the District Collector to finalise the adjudication proceedings at his earliest and at any rate within 4 months of receiving copy of this judgment. If the petitioner files an application before the District Collector for interim release of the vehicle subject to the result of the adjudication, the Collector will consider and grant the application imposing reasonable conditions within 7 days of receiving the application. The District

Collector shall take into account the irresistible position that no useful purpose will be served from anybody's point of view by allowing the vehicle to idle in the precincts of the police station.

PIUS C. KURIAKOSE, JUDGE

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